

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 755 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO.

KISHOR MAGANLAL MARVADI

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

MR MM TIRMIZI for Petitioner

MR H.L.Jani, APP for respondent No.3-State.

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 23/09/1999

ORAL JUDGEMENT

Rule. Mr H.L.Jani, learned A.P.P. waives service of rule. Heard Mr. M.M.Tirmizi for M/S Thakkar Associates on behalf of petitioner and learned A.P.P. Mr. H.L.Jani for respondents.

2. Having regard to the facts and circumstances of the case and as the petitioner has admitted the outstanding amount payable to Respondent No.1, it is

directed that the vehicle- Luxury Bus bearing Registration No.GJ - 1 - V- 1034 seized and detained by respondent No.1 be released and handed over the same to the petitioner on following terms and conditions ;

(i) The petitioner shall deposit Rs.15,000/- (Rupees fifteen thousand only) with Respondent No.1 on or before 15th October 1999 towards first instalment of outstanding liability of tax.

(ii) The petitioner shall also continue to discharge the current liability of tax for the user of the said vehicle and shall clear the entire arrears of outstanding liability of tax within the period of two years.

(iii) The petitioner shall file an undertaking with respondent No.1 that petitioner shall not transfer or part with possession of the said vehicle till the entire liability of outstanding tax is duly discharged under this order.

(iv) The petitioner shall make the vehicle available for inspection of respondent No.1 as and when required.

(v) The petitioner shall ply the said vehicle subject to obtaining the fitness certificate and complying of all other formalities as required under the provisions of law.

3. In the event of any breach and/or default in making the payment of any installments, the respondent No.1 shall be entitled to seize and detain the said vehicle again apart from taking legal action against the petitioner.

4. On the basis of the above stated discussion, petition is allowed. Rule is made absolute accordingly. No order as to costs.

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